

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS

STACEY L. MAGRUDER,

Plaintiff,

v.

**CIVIL ACTION NO. 2:16-CV-15
(BAILEY)**

**CAROLYN W. COLVIN, Acting Commissioner
of Social Security Administration,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge Robert W. Trumble [Doc. 23]. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Trumble's for submission of a proposed Report and Recommendation ("R & R"). Magistrate Judge Trumble filed his R&R on October 14, 2016, wherein he recommends this Court grant defendant Commissioner Carolyn W. Colvin's ("the Commissioner") Motion for Summary Judgment [Doc. 14], and deny plaintiff Stacey L. Magruder's ("Magruder's") Statement of Errors [Doc. 8].

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo*

review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Trumble's R&R were due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). The docket reflects that the R&R was electronically mailed to all counsel of record on October 14, 2016, and that service was accepted the same day [Doc. 23]. To date, no objections have been filed. Accordingly, this Court will review the R&R for clear error.

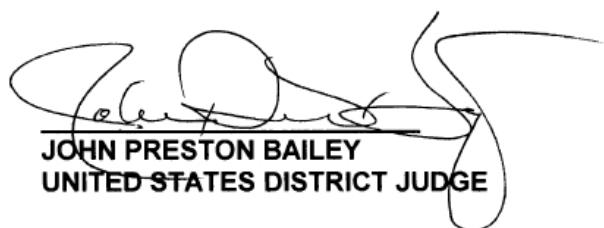
Upon careful review of the above, it is the opinion of this Court that the **Report and Recommendation [Doc. 23]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report.

Accordingly, this Court **ORDERS** that the Commissioner's Motion for Summary Judgment **[Doc. 14]** is **GRANTED**, and that plaintiff Magruder's Statement of Errors **[Doc. 8]** is **DENIED**. The Clerk is directed to enter judgement in favor of the defendant. Finally, this matter is **ORDERED STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: November 2, 2016.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE